

STATE HUMAN RIGHTS COMMITTEE

Carolyn M. DeVilbiss, Chair  
Alexandria

T.C. Bullock, Vice-Chair  
South Hill

John Barrett  
Richmond

Ann Bevan  
Mechanicsville

Penny Cameron  
Reston

Victoria Cash Graff  
Staunton

Marietta Cottingham  
Hampton

Timothy Russell  
Williamsburg

Ioannis Stivachtis  
Blacksburg



Margaret S. Walsh  
State Human Rights Director

Kli Kinzie  
Executive Secretary

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## COMMONWEALTH of VIRGINIA

*Department of Behavioral Health and Developmental Services*

*Post Office Box 1797  
Richmond, Virginia 23218-1797*

### **MINUTES STATE HUMAN RIGHTS COMMITTEE**

Piedmont Geriatric Hospital and  
Virginia Center for Behavioral Rehabilitation  
5001 E. Patrick Henry Highway  
Burkeville, Virginia  
23922

**Friday, July 19, 2013**

**Administrative Session**  
Piedmont Geriatric Hospital  
Auditorium  
**8:30 a.m.**

Members Present	Carolyn M. DeVilbiss, Chair de Facto, T.C. Bullock, Vice-Chair de Facto, Penny Cameron, Vicki Cash Graff, Timothy Russell
SHRC Candidates	Ann Bevan, Marietta Cottingham, Ioannis Stivachtis
Staff	Beverly Garnes, Regional Human Rights Advocate Deb Lochart, Human Rights Manager Kli Kinzie, Secretary Tammy Long, Human Rights Advocate Kevin Paluszak, Regional Human Rights Advocate Karen Taylor, DBHDS Special Council Margaret Walsh, Human Rights Director
Call to Order	<i>At 8:34 Carolyn DeVilbiss called the July 19, 2013, SHRC meeting to order. A call for introductions took place prior to proceeding.</i>
Approval of July 19, 2013, Agenda	<i>At 8:35, the agenda for the July 19, 2013, SHRC meeting was approved.</i>
Resignation of Member	At 8:35 Carolyn DeVilbiss announces the resignation of Frank S. Royal, M.D.

Consideration of Additional SHRC Member	<p>Will the resignation of Frank Royal the SHRC has an additional vacancy to fill. On behalf of the SHRC Membership Sub-Committee, Penny Cameron recommended putting forward John Barrett's application. Mr. Barrett was interviewed on April 19, 2013.</p> <p><i>Upon a motion by Vicki Cash Graff and seconded by Timothy Russell the SHRC unanimously voted to recommend the DBHDS State Board appoint John Barrett to the SHRC.</i></p>
Request for Extension	<p>At 8:42 the SHRC considered a request to extend the timeframe to hear the Appeal of Central Virginia Community Services Local Human Rights Committee.</p> <p><i>Upon a motion by T.C. Bullock and seconded by Vicki Cash Graff the SHRC unanimously voted to extend the timeframe for the appeal of Central Virginia Community Services Local HumanRights Committee.</i></p>
Request for Extension	<p>At 8:43 the SHRC considered a request to extend the timeframe to hear the Appeal of C.P. vs. HPR V Local Human Rights Committee.</p> <p><i>Upon a motion by Vicki Cash Graff and seconded by T.C. Bullock the SHRC unanimously voted to extend the timeframe for the appeal of Central Virginia Community Services Local HumanRights Committee</i></p>
VCBR Appeal Responds	At 8:44 the SHRC acknowledged receipt of VCBR Appeal Responses.
VCBR Monthly Reports	<p>At 8:45 the SHRC reviewed VCBR monthly reports. Jason Wilson, VCBR, reformatted the reports per request by Timothy Russell. Timothy Russell commented that the number of visit restrictions has gone down.</p>
LHRC Vacancy Tracking	At 8:48 the SHRC reviewed LHRC vacancies.
Goals Workplan	At 8:53 the SHRC discussed the 2013 Goals Workplan.
SHRC Annual Report	At 8:55 Margaret Walsh discussed the finalizing of the SHRC Annual Report. Timothy Russell will attend the July 23, 2013, DBHDS State Board meeting to present the report to the Board.
Newsletter	At 8:58 Vicki Cash Graff provided an update on the SHRC newsletter.
<b>BREAK</b>	At 9:05 Carolyn DeVilbiss announced a 10 minute break.

## **VCBR**

9:15 a.m.

**Meet with RAC** At 9:15 the SHRC met with the Virginia Center for Behavioral Rehabilitation (VCBR) Resident Advisory Council (RAC).

**Tour of VCBR** At 10:15 the SHRC took a tour of VCBR.

## **Regular Session**

11:15 a.m.

**Members Present** Carolyn M. DeVilbiss, Chair de Facto, T.C. Bullock, Vice-Chair de Facto, Penny Cameron, Vicki Cash Graff, Timothy Russell

**SHRC Candidates** Ann Bevan, Marietta Cottingham, Ioannis Stivachtis

**Staff** Carrie Flowers, Human Rights Advocate  
Beverly Garnes, Regional Human Rights Advocate  
Taneika Goldman, Human Rights Advocate  
Deb Lochart, Human Rights Manager  
Kli Kinzie, Secretary  
Tammy Long, Human Rights Advocate  
Kevin Paluszak, Regional Human Rights Advocate  
Karen Taylor, DBHDS Special Council  
Margaret Walsh, Human Rights Director

**Others** Dana Traver, Virginia Office for Protection and Advocacy

**Call to Order** At 11:15 Carolyn DeVilbiss called the regular session of the July 19, 2013, SHRC meeting to order. A call for introductions took place prior to proceeding.

**Review of Draft Minutes** At 11:16 the SHRC reviewed the draft minutes of the June 7, 2013, SHRC meeting.

*Upon a motion by T.C. Bullock and seconded by Vicki Cash Graff the SHRC unanimously approved the minutes of the June 7, 2013 SHRC meeting.*

**Bylaws** At 11:19 the SHRC reviewed the Bylaws modification for Chesapeake Regional LHRC. On behalf of Stewart Prost, Ms. Beverly Garnes reported that the proposed modification would change the number of members on the LHRC from 7 to 5.

*Upon a motion by T.C. Bullock and seconded by Vicki Cash Graff the SHRC unanimously approved the Bylaws modification for Chesapeake Regional Local Human Rights Committee.*

**SHRC Officers**

At 10:20 Penny Cameron reported on the activities of the Officers Sub-Committee. Ms. Cameron presented the following recommended slate of officers: Ms. Carolyn M. DeVilbiss for Chairperson, and Mr. T.C. Bullock for Vice-Chairperson.

The SHRC will entertain nominations from the floor and vote on officer appointments at the September 13, 2013, SHRC meeting.

**Appeal**

At 11:30 the SHRC heard the Appeal of M.W. vs. Western State Hospital LHRC. At the request of M.W. the Appeal was heard in open session.

This case came before the SHRC on appeal of the June 13, 2013 decision of the Western State Hospital (WSH) Local Human Rights Committee (LHRC) following a fact finding hearing that took place on June 3, 2013. Mark Seymour, human rights advocate presented the case on behalf of M.W. Ms. Ellen Harrison represented Western State Hospital. SHRC members present were Carolyn DeVilbiss, Penny Cameron, Dr. Frank Royal, Vickie Cash-Graff, Timothy Russell, and T.C. Bullock.

M.W. disagrees with the findings of the WSH LHRC in this matter. MW contends that the WSH LHRC erred in its finding that his placement with the restrictive and locked Barber Mall is not inconsistent with his status as a voluntary patient. Furthermore, MW contends that his treatment team's report of his widespread bullying behavior is incorrect and the treatment team's report of his sales of contraband on campus is not demonstrably different from the trading of tobacco products by other WHS patients and that the treatment team failed to demonstrate a decrease in tobacco on campus during his community passes.

*Upon a motion by Penny Cameron and seconded by T.C. Bullock the SHRC unanimously supports the Findings of the Western State Hospital Local Human Rights Committee.*

**LUNCH**

*At 11:55 Carolyn DeVilbiss called for a break for lunch.*

**Public Comment**

At 12:10 p.m. Carolyn DeVilbiss called for Public Comment.

*No Public Comments were offered.*

At 12:22 p.m. Carolyn DeVilbiss called the meeting to order. The SHRC discussed follow up to the morning meeting with the VCBR RAC.

At 12:28 the SHRC considered local human rights committee membership.

Upon reconvening in open session, the State Human Rights Committee certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

*Upon a motion by Vicki Cash Graff and seconded by T.C. Bullock the SHRC unanimously moved to make the following appointments to and removals from local human rights committees.*

Fairfax Falls Church LHRC  
Appoint: Anne Ruth

Chester Regional LHRC  
Appoint: Ms. Nicole Jordan-Jones, Ms. Lonnie Smith  
Crater LHRC  
Reappoint: Ms. Jean Grim  
New Creation LHRC  
Reappoint: Ms. Charisma Dixon  
Southside Virginia Training Center LHRC  
Reappoint: Mr. Bobby Tuck

Middle Peninsula Northern Neck LHRC  
Appoint: Mr. Carl F. Gerster  
Suffolk Regional LHRC  
Appoint: Ms. Denise Tynes  
Williamsburg Regional LHRC  
Appoint: Ms. Pamela Bellmore

Piedmont Community Services  
Reappoint: Ms. Sharon Shepherd

## **Other Business**

### **Reporting on Attending LHRC Meetings**

At 12:44 SHRC members reported on LHRC meetings they attended in their catchments areas as Liaisons to the SHRCs.

## **Appeal**

At 1:02 the SHRC considered Poplar Springs Hospital's appeal of the findings of the Petersburg Regional Local Human Rights Committee in the matter of D.B.

This case came before the SHRC on appeal of the May 3, 2013 decision of the Petersburg Regional Local Human Rights Committee (LHRC) following a fact finding hearing that took place on April 19, 2013. Ms Mary Huffman, Esquire, presented the case for Poplar Springs Hospital. Mr. Chris Booberg, Esquire, represented D.B. SHRC members present were Carolyn DeVilbiss, Penny Cameron, Vicki Cash-Graff, Timothy Russell, and T.C. Bullock.

Poplar Springs respectfully proffers to the SHRC that the LHRC findings, in their entirety, should not stand and should be withdrawn for failure to issue within the required timeframes, as mandated by the Human Rights Regulations.

*In accordance with 12 VAC 35-115-50 D, the SHRC unanimously voted to extend the timeframe for the receipt by the parties in this matter to September 30, 2013.*

## **Appeal**

At 2:00 the SHRC considered the appeal of Central State Hospital Local Human Rights Committee's findings in the matter of B.F.

This case came before the SHRC on appeal of the May 14, 2013 decision of the Central State (CSH) Human Rights Committee (LHRC) following a fact finding hearing that took place on May 3, 2013. B.F. presented the case on his own behalf with support of Mr. Walter Small human rights advocate. Vicki Montgomery and Juliann Wareharm represented Central State Hospital. The hearing was conducted via conference call from CSH. SHRC members present were, Carolyn DeVilbiss, Penny Cameron, Vicki Cash-Graff, Timothy Russell, and T.C. Bullock.

F.B. disagrees with all findings of no violation issued by the CSH LHRC. In addition he specifically contends the following:

- That the CSH LHRC hearing was inadequate in addressing all of his complaints.
- That the SHRC conducts its own hearing on all complaints in accordance with 12 VAC 35-115-210.
- That the SHRC obtain and listen to the tape recording of the May 3, 2013 hearing.

*Complaint #1*

*Upon a motion by Penny Cameron and seconded by Timothy Russell the SHRC unanimously upholds the finding and recommendations of the Central State Hospital Local Human Rights Committee.*

*Complaint #2*

*Upon a motion by T.C. Bullock and seconded by Timothy Russell the SHRC unanimously upholds the finding of the Central State Hospital Local Human Rights Committee.*

*Complaint #3*

*Upon a motion by T.C. Bullock and seconded by Vicki Montgomery the SHRC unanimously upholds the finding of the Central State Hospital Local Human Rights Committee.*

*Complaint #4*

*Upon a motion by T.C. Bullock and seconded by Penny Cameron the SHRC unanimously upholds the finding of the Central State Hospital Local Human Rights Committee.*

**Adjourn**

At 4:21 upon a motion by Vicki Cash Graff and properly seconded the meeting adjourned..

The next meeting is scheduled for Friday, September 13, 20-13, in Blacksburg, Virginia

Respectfully Submitted,

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Carolyn M. DeVilbiss, Chair de Facto

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Kli Kinzie, Secretary